

Monday, May 16, 2022; 7:00 pm
REGULAR MEETING
Kasson Township Hall
10988 S. Newman Road, Maple City, MI 49664

I. Call Meeting to Order/Pledge of Allegiance

Chairman Roush called the meeting to order at 7:03 pm with the Pledge of Allegiance.

II. Roll Call of Commissioners and Staff: Recognition of Visitors

- A. Present: Tad Carter, Township Board Rep; Dave Noonan, Commissioner; Chuck Schaeffer, Secretary; Jerry Roush, Chairman
- B. Absent: Jim Anderson, Vice Chairman
- C. Staff: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary
- D. Visitors present: Dana Boomer, Kasson Township Clerk; Barry and Linda Krull from Krull's Composting; Anne Magoun, Kasson Township resident

III. Consideration of Agenda (Attachment "A")

Item 10B (Patterson) will be deleted from tonight's agenda. Item 11B (Krull's Composting) does not represent "New Business" but Cypher will report on this matter when giving the ZA's report under "Area Reports".

Chairman Roush asked for a motion to approve the agenda with the changes noted. **NOONAN MOVED TO APPROVE THE AGENDA WITH THE CHANGES NOTED; CARTER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

IV. Declaration of Conflicts of Interest – None reported at this time.

V. General Comments from the Public

Mr. Barry Krull of Krull's Composting spoke and stated that he was unaware that there was an issue regarding his composting business. Mr. Krull knows his neighbors and stated that he wished they had first spoken to him regarding their concerns. He informed the PC that he is picking up trash daily from the property and that there have been no seagulls present for a couple of weeks. Mr. Krull also informed Bay Area Recycling for Charities (BARC) that he would not accept paper, etc. and that only food scraps would be accepted. He is working on something new to help with the problem of flies; a chemical will be applied that feeds off of fly larvae. Mr. Krull acknowledges that the fly problem was very bad in 2021 but he has recently taken steps to correct the problem. Mr. Krull expressed that he does not want to be put out-

of-business and desires to continue to work in a collegial manner with his neighbors.

Ms. Anne Magoun thanked the PC for considering the comments that she submitted regarding the Master Plan.

VI. Approval of Minutes

Chairman Roush asked for a motion to approve the minutes from the Special Meeting of April 28, 2022 as presented. **NOONAN MOVED TO APPROVE THE MINUTES OF THE APRIL 28, 2022 SPECIAL MEETING AS PRESENTED; CARTER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

VII. Public Hearing – Amendment to Zoning Ordinance – Public Facilities

A. Open the Hearing

Chairman Roush asked for a motion to formally open the Public Hearing. **CARTER MOVED TO FORMALLY OPEN THE PUBLIC HEARING; SCHAEFFER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

B. Zoning Administrator Comments/Report

Cypher stated that 300-foot letters were not distributed because this is not a site-specific matter. He has not received any comments on this topic and Findings of Fact do not need to be assembled. The Fire Chief and staff personnel reviewed the language but legal counsel did not review the proposed changes. Cypher recommends approving the proposed amendment as this will provide the Fire Department with direction to move forward.

C. Comments from the Public

Ms. Dana Boomer, Kasson Township Clerk, added that even though the Fire Department was mentioned, it should be noted that this amendment will cover all municipal buildings in the township.

D. Commissioner Comments and Discussion

Schaeffer stated that the proposed amendment is very good and added that it “plugs a hole” in the zoning ordinance.

Cypher added that the PC is the body that would recommend sending this amendment to the County for review and he further recommends that this action be taken.

Chairman Roush asked if legal counsel could review the language and Cypher stated that he would follow-up with counsel. Schaeffer inquired if we can get the amendment to the attorney and then forward it to the County Planning Commission by the time of their next meeting which is scheduled for Tuesday, May 24th. Cypher stated that he would inform counsel that we would like a quick turnaround on this matter.

Chairman Roush asked for a motion to forward the Kasson Township Zoning Ordinance Proposed Amendment to the County Planning Commission. **SCHAEFFER PROPOSED THAT THE KASSON TOWNSHIP ZONING ORDINANCE PROPOSED AMENDMENT BE SENT TO THE ATTORNEY FOR REVIEW. GIVEN THAT THERE ARE NO CHANGES, AND UPON COUNSEL'S RECOMMENDATION, THE PROPOSED AMENDMENT WILL BE FORWARDED TO THE COUNTY PLANNING COMMISSION FOR REVIEW AT THE MAY 24, 2022 MEETING; NOONAN SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

E. Commission Vote (roll call)

Chairman Roush stated that a roll call vote will be conducted when we receive the final opinion from legal counsel.

F. Close the Hearing

Chairman Roush asked for a motion to formally close the Public Hearing. **SCHAEFFER MOVED TO FORMALLY CLOSE THE PUBLIC HEARING; CARTER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

VIII. Correspondence Received – none

IX. Area Reports

- A. Chairperson – Commissioner Roush – no report
- B. Secretary – Commissioner Schaeffer – no report
- C. Township Board – Commissioner Carter – no report
- D. Zoning Board of Appeals – Commissioner Noonan – no report
- E. Zoning Administrator's Report – Zoning Administrator Cypher

Cypher stated that he issued four land use permits during the month of April 2022; the total number of permits issued to date is 12. Cypher also completed seven construction/site inspections and supplied information via 30 telephone calls; there were also 16 requests via the internet. A total of \$300.00 in fees were collected during April of 2022. (See Appendix "B" and Appendix "C").

Cypher informed the PC that he has been monitoring a growing burn pile on West Burdickville Road. The owner of the property currently resides in Florida and her family members who are residing in the home have produced the burn pile. Cypher spoke to the resident and she, in turn, addressed the matter with her family members. Cypher is scheduled to conduct another inspection of the property on Wednesday, May 18, 2022. Cypher also contacted the Department of Natural Resources (DNR) and they will provide guidance to people who create burn piles.

Cypher shared information regarding a potential encroachment on a setback for a property in the Coleman Road and Burdickville Road area. The neighbor has stated that the structure is too close to the property line and wants the township to take action. The issue began when the resident was asked for a survey of the property. This will be considered a non-conforming structure.

Cypher received notice of possible unsafe buildings. He checked with the County and they do enforce unsafe buildings. The Building Safety Department will keep us in the loop regarding this matter.

Cypher stated that he has exchanged many telephone calls with Mr. Krull regarding his business, Krull's Composting. Mr. Krull was informed that individuals went to the Township Board, not the Kasson Township PC as he originally thought. Cypher added that there is quite a bit of trash scattered on the premises and that setback requirements are not being met. He put Mr. Krull on notice pending further investigation. Cypher hopes that Mr. Krull's contact with BARC will be successful. MDARD has also requested a copy of Cypher's investigative report. In the past, Mr. Krull was found to be in compliance with MDARD and DNR/EGLE standards.

Schaeffer commented that on very windy days, trash will blow around until it can be cleaned up.

Cypher also addressed the fact that there was a small brush fire on the Krull property approximately one week ago. Cypher has requested a report from the fire departments that responded. The neighbors thought that the fire was started by the compost pile but this is incorrect; the fire

was actually caused by exhaust from a BARC truck that was too close to the piles.

Chairman Roush inquired if the PC would also receive the Fire Department report. Cypher replied in the affirmative and stated that this would be provided along with his final report to the PC. Ms. Boomer indicated that Glen Lake responded to the fire on the Krull property along with two people from Cedar; the remainder of the Cedar team was in Leland at the time. She stated that each department will write their own report.

X. Unfinished Business

A. Master Plan 2022

Schaeffer asked the PC members if they had the opportunity to review the latest version of the Master Plan. Cypher stated that he has not yet had the chance to review the document due to being without power today, but will do so as soon as possible. Schaeffer received a couple of comments from Hubley-Patterson. He distributed the resolution to adopt the Master Plan and stated that the resolution must be voted upon. (See Appendix "D")

Chairman Roush asked for comments from the Commissioners. Schaeffer referred to the Master Plan checklist and reviewed certain steps. He then inquired who should hold the final version of the Master Plan. Cypher responded that this would be the Clerk and Schaeffer agreed.

Chairman Roush asked for a motion to accept the resolution. **NOONAN MOVED TO ACCEPT THE RESOLUTION; CARTER SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

Roll Call Vote:

Carter – Yes

Noonan – Yes

Schaeffer – Yes

Roush – Yes

Anderson – absent

The resolution was approved.

XI. New Business

A. Recording of SUPs

Schaeffer inquired if legal counsel has knowledge of the process to record SUPs. He stated that, in 2016, we had a list indicating when an SUP was issued and a document would be filed that runs with the land. Cypher stated that the attorney does have knowledge of this process and added that there are currently 12 SUPs on the list that Schaeffer referred to. Discussion ensued regarding the recording of SUPs that are on the list but which had not been recorded.

Chairman Roush inquired if we can retroactively record these SUPs legally. Cypher replied, "Yes" and stated that recording of the SUP should be completed within 30 days but added that sometimes recording dates are different because meeting minutes are not approved until a later date. Cypher added that we can add the recording process to our legal counsel's task list.

Noonan asked if this runs with the land and Cypher answered in the affirmative. He indicated that the recording would come up in a title search and that the new owner of a property must comply with all requirements.

Chairman Roush asked for a motion to direct the Zoning Administrator and the attorney to take the list of 12 properties and prepare a filing as was done for the Lively property and to have these recorded with the county register of deeds. **SCHAEFFER MOVED TO HAVE THE ZONING ADMINISTRATOR AND THE ATTORNEY TAKE THE LIST OF 12 PROPERTIES AND PREPARE A FILING AS WAS DONE FOR THE LIVELY PROPERTY AND TO HAVE THESE RECORDED WITH THE COUNTY REGISTER OF DEEDS; NOONAN SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

B. Krull Composting

Cypher addressed this matter under the "Area Reports" section of the agenda.

XII. Comments from the Public

Mr. Krull addressed the matter of the brush fire on his property. He stated that he spoke to the Glen Arbor Fire Chief but has not filed a Freedom of Information Act (FOIA) request for the report as he has been busy recently. He added that he has never had a spontaneous combustion on his premises.

XIII. Comments from the Commissioners – none

XIV. Next Meeting – Monday, June 20, 2022, 7:00 p.m.

XV. Adjournment

Chairman Roush asked for a motion to adjourn the meeting. **CARTER MOVED TO ADJOURN THE MEETING; NOONAN SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

The meeting was adjourned at 7:59 pm.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary

ATTACHMENT “A” – TENTATIVE AGENDA

KASSON TOWNSHIP PLANNING COMMISSION
Tentative Agenda
May 16, 2022

v.0

1. Call Meeting to Order/Pledge of Allegiance
 2. Roll Call of Commissioners and Staff; Recognition of Visitors
 - A. Commissioners present (roll call): Anderson, Carter, Noonan, Roush, Schaeffer
 - B. Staff - Cypher, Hubley-Patterson
 - C. Visitors present _____
 3. Consideration of Agenda: Additions or Deletions [*]
 4. Declaration of Conflicts of Interest
 5. General Comments from the Public
 6. Approval of Minutes – April 28, 2022 [*]
 7. Public Hearing -Amendment to Zoning Ordinance - Public Facilities
 - A. Open the Hearing
 - B. Zoning Administrator Comments/Report
 - C. Comments from the Public
 - D. Commissioner Comments and Discussion
 - E. Commission Vote (roll call)
 - F. Close the Hearing
 8. Correspondence Received
 9. Area Reports
 - A. Chairperson - Commissioner Roush
 - B. Secretary - Commissioner Schaeffer
 - C. Township Board – Commissioner Carter
 - D. Zoning Board of Appeals – Commissioner Noonan
 - E. Zoning Administrator's Report. - Zoning Administrator Cypher [*]
 10. Unfinished Business
 - A. Master Plan 2022 [*]
 - B. Patterson (?)
 11. New Business
 - A. Recording of SUP's [*]
 - B. Krull Composting [*]
 12. Comments from the Public
 13. Comments from the Commissioners
 14. Next Meeting: June 20, 7:00 PM, Township Hall
 15. Adjournment
- [*] - Following an agenda item means there is an attachment in the meeting packet.

Chuck Schaeffer
 Commission Secretary

ATTACHMENT “B” – Zoning Administrator’s April 2022 Report

Kasson Township Zoning Administrator's APRIL 2022 REPORT

5/8/2022

To: Kasson Township Board & Planning Commission

From: TIMOTHY A. CYPHER

Land Use Permits Issued:	4	YEAR TO DATE 12
Signs / Home Occupation	0	
Single Family Residences (SFR)	1	
Additions to SFR	0	
Garages	0	
Decks & Porches / MISC.	1	
Accessory Buildings	2	
Commercial Construction	0	
Stairs / Landings / Fences	0	
Agriculture construction	0	
Demolitions / Relocating	0	
Boat houses	0	
Solar Panels	0	
Renewal of / Change of use	0	
Z.B.A. proceedings	0	1 INQUIRY
Special Land Use Permits	0	1 INQUIRY
Land Divisions	0	1 INQUIRY
Property Line Adjustments	0	1 INQUIRY
Private Roads / Driveways	0	0 INQUIRY
Zoning / Site Plan Reviews	0	0 INQUIRY
Construction / Site Inspections	7	
Violations/Investigations	0 **VIOLATIONS**	
	0 INVESTIGATIONS	

I also supplied information via 30 phone calls, 16 via internet to Township residents & others.

Please feel free to contact me with any questions.

Phone 231-360-2557

tim@allopermits.com

ATTACHMENT "C"

Zoning Administrator's Monthly Permit Summary (April 2022)

KASSON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: APRIL 2022

DATE	PERMIT #	NAME	USE	RECEIPT CK.#	AMOUNT
4/23/2022	LUP 22-09	GDK REAL ESTATE	LAND USE	202209	1222 \$ 75.00
007-022-002-00	313 KASSON CENTER RD.	ACCESSORY BUILDING		7,200 S.F.	
4/24/2022	LUP 22-10	FLANGHER PAIGE	LAND USE	202210	1009 \$ 75.00
007-010-007-30	9236 S. MAPLE CITY RD.	NEW DWELLING CARPORT PORCH DECK		2,130 S.F.	
4/30/2022	LUP 22-11	CEVALLOS	LAND USE	202211	1006 \$ 75.00
007-033-001-10	1245 W. TRAVERSE HWY.	ACCESSORY BUILDING		2,646 S.F.	
4/30/2022	LUP 22-12	BUFKA	LAND USE	202212	8993 \$ 75.00
007-005-010-50	2054 W. BURDICKVILLE RD	DECK - GARDEN SHED		876 S.F.	

SIGNED:

TOTAL \$ 300.00

Timothy A. Cypher

DATE: 5/8/2022

TIMOTHY A. CYPHER
 KASSON TOWNSHIP ZONING ADMINISTRATOR
 231-360-2557
TIM@ALLPERMITS.COM

ATTACHMENT “D” – Master Plan Resolution (pg. 1)**RESOLUTION BY THE KASSON TOWNSHIP
PLANNING COMMISSION
TO ADOPT A REVISION TO THE
2014 KASSON TOWNSHIP MASTER PLAN**

WHEREAS, the Michigan Planning and Enabling Act, MCL 125.3801 *et seq* (“MPEA”) delegates to local units of government the power to zone and regulate development within their municipal boundaries; and

WHEREAS, MCL 125.3807 provides, that a local unit of government may prepare and, after public hearing, adopt or amend a municipal Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, the Michigan Zoning Enabling Act MCL 125.3201 (MZEA) *et seq* provides that a local unit of government may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon only after the municipal Planning Commission has adopted a Master Plan; and

WHEREAS, MZEA 125.3845 (2) provides that a local unit of government shall, at least every 5 years, provide for a general reexamination of its Master Plan by the Planning Commission, which shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan; and

WHEREAS, the Kasson Township Planning Commission (Commission”) last reviewed and update its municipal Master Plan, which included a Land Use Plan Element and a Housing Plan Element, in 2014, the Commission voted to review the 2014 Master Plan and subsequently decided that updates were needed; and

WHEREAS, the Commission commenced a 5-year general review of the Master Plan, beginning December 16, 2019; and

WHEREAS, the COVID-19 epidemic, and its resulting restrictions on public gatherings, delayed and hampered meetings where the Plan was to be discussed and updated; and

WHEREAS, at the Kasson Township Board’s February 8, 2022 meeting:

Boomer moved to assert the right of the Township Board to have final approval of the Master Plan, after approval by the Kasson Township Planning Commission. J. Carter seconded. All in favor; motion carried.

ATTACHMENT "D" – Master Plan Resolution (pg. 2)

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEECLANAU, STATE OF MICHIGAN as follows:

- A. That the Kasson Township Master Plan 2022 draft version referred to as "V.5" be accepted and adopted as the Commission's final draft of the update to the Kasson Township Master Plan 2014; and
- B. That said version be forwarded to the Kasson Township Board for its review and adoption.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS SIXTEENTH DAY OF MAY, 2022, A.D.

Commissioners	Aye	Nay	Abstain	Absent
Jim Anderson				X
Tud Carter	X			
Dave Noonan	X			
Gerry Roush	X			
Chuck Schaeffer	X			

Jerry Roush, Planning Commission Chairperson

ATTEST:

Gerald R. Roush
Ch. L. Schell

Jim Anderson, Planning Commission Vice Chairperson
Chuck Schaeffer Secretary